IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23567 of 1997

Between:

A.P.S.R.T.C. rep by Vice-Chairman & Managing Director,
Mushirabad, Hyderabad.

..... PETITIONER

AND

1 State Transport Appellate Tribunal, rep.by its Presiding Officer,
A.P., Hyderabad.
2 Regional Transport Authority, rep by Secretary,
Kakinada, East Godavari District.
3 A.Bhaskar Rao S/o Suryanarayana Murthy
Ramakrishna Peta, Kakinada,
East Godavari District.
4 G.Tirupathi Rao, S/o Manikyam,
Vakala Pudi, Kakinada-7,
East Godavari District.
5 B.Triveni W/o Veerabhadra Rao,
Valasapakala, Kakinada,
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction, especially in the nature of Writ of Certiorari, calling for the records relating to the impugned order dt.30-4-97 made in W.P.NO.118/90 in C.NO.174/90 on the files of the State Transport Appellate Tribunal, A.P., Hyderabad, and quash the same and direct the 1st respondent to condone the delay of 74 days in presentation of the revision petition, C.NO.174/90 and dispose of the revision petition,C.NO.174/90 on merits.

Counsel for the Petitioner: MR.K.HARINATH

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent Nos.3 and 4: Mr. K. Srinivasa Rao

The Court made the following:

ORDER:

Aggrieved by the order dated 30-04-1997 made in M.P. No.118 of 1990 in C.No.174 of 1990 on the file of the State Transport Appellate Tribunal, A.P., Hyderabad, dismissing the M.P. No.118 of 1990 and refusing to condone the delay of 74 days in presentation of the Revision Petition in C.No.174 of 1990 against the order dated 29-11-1989 passed by the second respondent herein in item No.62 in R.No.20715/A2/89 granting pucca stage carriage permit on the Kakinada Town Service route—M.S.N. Charities to Thammavaram, to respondent Nos.3 and 4 herein, which was subsequently transferred in favour of the fifth respondent herein, the petitioner filed this writ petition.

When the matter came up today for hearing, the learned counsel appearing for respondent Nos.3 and 4 submitted that the petitioner-APSRTC filed this writ petition seeking, in effect, to condone the delay of 74 days in presentation of Revision Petition in C.No.174 of 1990 before the first respondent-State Transport Appellate Tribunal. He also submitted that if the said delay is condoned and if a direction is given to the first respondent to take the Revision Petition of the petitioner herein on file for disposal, the petitioner cannot get any relief in the revision in view of a Full Bench judgment of this Court in **A.P.S.R.T.C. v. State Transport Appellate Tribunal**. The relevant portion of the said judgment reads as follows:

> "…The note (2) appended to G.O. Ms. No.179, dated 28-6-1990 that the scheme shall not affect the existing town services operating on the notified routes is merely clarificatory in nature which was appended so as to obviate the difficulties that may be faced by the existing town services operating on the notified routes but the same cannot by itself take away the statutory right with which any person under a statute has been clothed nor it can interfere with or change the enactment or any part of the statute. So read and having regard to the object and purport of the issuance of the Notification, a route which is exclusively for town service cannot, for the reason that a mofussil service stage carriage shall traverse it for a longer distance, become a route falling under the nationalization scheme for town service…"

Recording the above submission of the learned counsel for respondent Nos.3 and 4 and in view of the above proposition of law, the writ petition is dismissed. No costs.

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N.V. RAMANA, J

Date: 22-3-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Presiding Officer, State Transport Appellate Tribunal,
A.P., Hyderabad.
2 The Secretary, Regional Transport Authority,
Kakinada, East Godavari District.

3 Two C.Cs to the Government Pleader for Transport, High Court Buildings,
Hyderabad.

4 Two C.D.copies.

*Form-NIC-OGS/WP{**GSNM**}*